

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DISTRICT**

ZEBADIAH ARRINGTON	)	
	)	
Plaintiff,	)	
	)	No: 1:09-cv-6654
v.	)	
	)	
CITY OF CHICAGO, CHICAGO	)	
POLICE OFFICER J. WARNKE	)	Honorable Judge Darrah
(Star # 9138),	)	
	)	Magistrate Judge Cole
Defendants.	)	
	)	<b>JURY DEMAND</b>

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**PLAINTIFF'S MOTION *IN LIMINE* NO. 4**

**MOTION TO BAR ANY EVIDENCE OF WITNESS EUGENIA NAVARETTE'S AGE**

Plaintiff Zebadiah Arrington, by counsel, respectfully requests an order barring any evidence of witness Eugenia Navarette's age, and any argument that a relationship between a 17-year-old Arrington and a 26 year-old Navarette is inappropriate. In support, Plaintiff states as follows:

Plaintiff anticipates that Defendants may seek to introduce evidence of witness Eugenia Navarette's age, who was twenty-six years old at the time of the incident and was dating the then seventeen-year-old Plaintiff. Reference to her age should be excluded because it is irrelevant to Plaintiff's lawsuit as it does not tend to make any fact of consequent more or less probable. On the other hand, allowing such evidence to be presented to the jury could be unduly prejudicial to Plaintiff's claim and should be excluded under Federal Rule of Evidence 403. Moreover, the use of such evidence would constitute improper character evidence under FRE 404(b), which

specifically provides that evidence of other crimes, wrongs, or acts “is not admissible to prove the character of a person in order to show action in conformity therewith.”

WHEREFORE, Plaintiff requests this Honorable Court enter an order barring any evidence of witness Eugenia Navarette’s age.

Respectfully submitted,

s/ Barbara C. Long  
Barbara C. Long

Shiller Preyar Law Offices  
4554 N. Broadway, Suite 325  
Chicago, IL 60640  
773-907-0940

CERTIFICATE OF SERVICE

Barbara C. Long, attorney for Plaintiff, hereby certifies that a copy of the foregoing was served upon all opposing counsel via the EM/ECF email system.

s/ Barbara C. Long